

# Civil Service Commission

The San Luis Obispo County Civil Service Commission  
**Regular Session Meeting**  
**Wednesday August 24, 2011 @ 9:00 A.M.**  
1055 Monterey Street, Suite D-271, San Luis Obispo, CA



## MINUTES

### MEMBERS OF THE COMMISSION

Jeannie Nix, President  
Bill Tappan, Vice President  
Robert Bergman  
Jay Salter  
Arthur Chapman

**Present:** President Jeannie Nix, Vice President Bill Tappan, Commissioner Art Chapman, Commissioner Robert Bergman, Commissioner Jay Salter

**Staff:** Commission Secretary Tami Douglas-Schatz, Commission Clerk Robin Mason

**Counsel:** Commission Counsel/ Rules Negotiator Stephen Shane Stark

**1. Call to Order/ Flag Salute/ Roll Call**

President Nix called the meeting to order at 9:00 A.M. and led the flag salute.

**2. Public Comment Period**

Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual. Being none, President Nix closed the public comment period.

**3. Minutes**

August 3, 2011 - Regular

Approval of the August 3, 2011 Minutes was postponed until the next regular meeting.

**4. Reports**

Commission President

Commissioner Nix thanked Kimm Daniels from SLOCEA for her support of the Civil Service Commission. She stated that Ms. Daniels wrote a letter\*\* (Attachment 2) to the Board of Supervisors and has given permission to share her letter. President Nix distributed copies to the Commissioners and made the letter available to the public.

President Nix stated that a work group is being formed per direction of the Board of Supervisors. Supervisor Frank Mecham and Supervisor Bruce Gibson will be part of the group as well as a representative from the Administrative Office, Warren Jensen and Rita Neal from County Counsel, and Tami Douglas-Schatz from Human Resources. President Nix and Commissioner Bill Tappan will represent the Commission. The first meeting will be set for September 1, 2011 if all parties are available.

Per direction from Counsel, President Nix invited public comment on this motion. Being none, Commissioner Chapman moved to create and participate in this committee and appoint the representatives who were designated by the CSC president.

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President Nix stated that the purpose of creating this committee is to address the concerns alleged against the Commission and to discuss the related facts.

Mr. Stark recommended the HR Director confirm that the special purpose described by President Nix is congruent with the purpose that the Board of Supervisors has directed.

Tami Douglas-Schatz confirmed that the purpose President Nix described is consistent with the direction from the Board of Supervisors.

President Nix asked if there is a second on the motion to appoint two Commissioners on the ad hoc Committee. President Nix asked if there should be a roll call vote. Commissioner Salter recommended opening discussion on the topic and stated his concerns regarding having the ad hoc committee address broader issues and asked if other members of the Commissioner had any comments.

Commissioner Tappan and Commissioner Bergman each commented that the current scope is sufficient. Commissioner Chapman stated that if something broader arises, it should come back to the Commission and be discussed.

President Nix referred to the goals and desired outcomes that were set at the last meeting and stated one of those goals is for the Commission and the HR Director to work together to forge a working relationship for the good of the County and the CSC hearing process. She stated further that she and Commissioner Tappan will want to come back and report on accomplishments as things evolve.

President Bergman advised President Nix that the CSC President can call a special meeting to address these important issues, if needed.

Mr. Stark suggested contacting County Counsel to verify compliance with Brown Act as it relates to the formation of this subcommittee. Ms. Douglas-Schatz confirmed that Warren Jensen was involved in the discussion in forming the committee but agreed it is always good to ensure that all things have been considered. She further stated that the CSC Working Group will also work on clarifying roles and responsibilities.

President Nix asked Ms. Douglas-Schatz to confirm with County Counsel Warren Jensen what the status is as far as the Brown Act is concerned in forming this subcommittee of two government entities and requested she inform her of the result.

A Motion to form ad hoc committee and establish that Jeannie Nix and Bill Tappan will represent the Commission was made by Commissioner Chapman and seconded by Commissioner Salter; Motion carried 5-0-0.

President Nix continued on Item 4 and referred to the Sole Source Request that was submitted to the Board of Supervisors and discussed at the August 3, 2011 CSC Special Session Meeting. She distributed Chairman Hill's written reply to the Commission \*\*\* (Attachment 3) and also made it available to the public.

## Commission Subcommittees

No report

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## Commission Counsel

Mr. Stark addressed the Commission and requested authorization to distribute a memo to the HR Director and County Counsel that he produced at the Commission's request. Mr. Stark stated that he needed the Commission to waive the attorney-client privilege for such distribution and that he was unable to complete the work without input from County Counsel. The document, entitled, "Performance Evaluation of the Human Resources Director," was stated to be written in association with the Library Appeal that was recently concluded. Mr. Stark stated that there was no reason the Commission should not make the document public and that no redactions were needed for the distribution. The Commission allowed Mr. Stark to distribute the memo to the Commission and the HR Director to review during the meeting.

Mr. Stark suggested coming back to item 4C after copies are made.

Upon returning this matter, the Commission discussed the document and agreed that they would reserve the question if it is a public document and would distribute the document to the Board of Supervisors, the County Administrator, County Counsel and the HR Director.

## **Commission Secretary**

### Commission Calendar

Ms. Douglas-Schatz addressed the Commission and stated that two out of the three pending appeals in the Department of Social Services have been settled. She clarified that the hearing for the other pending appeal in DSS is still scheduled to begin on October 19, 2011 and will last four days (October 19, 20, 26, 27).

Ms. Douglas-Schatz requested the Commission keep the September 28, 29 and November 1 dates that were calendared for the pending DSS appeals that have since been settled in order to accommodate a pending GSA demotion appeal in the General Services Agency so the parties can consider scheduling the hearing on those dates during the pre-hearing.

President Nix agreed to reserve the dates of and Commissioner Tappan suggested adding another date just in case it is needed. An additional date of October 11<sup>th</sup> was added.

Mr. Stark recommended addressing any further scheduling matters at August 29, 2011 meeting.

### RFP for Commission Counsel

Tami Douglas-Schatz, Commission Secretary, stated that the Request for Proposals went out last week and closes on September 9, 2011.

President Nix clarified the RFP process closes on the 9<sup>th</sup> and moved to the next item of business under item 5.



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## 5. **Job Class Specifications –Revised**

Ken Tasseff, Personnel Analyst addressed the Commission regarding the revised Health Education specification. He introduced Kathleen Karle, Division Manager from the Health Agency and asked if the Commission had any questions. Commissioner Tappan suggested eliminating line 48 of page 5A(9); Mr. Tasseff agreed. Commissioner Tappan moved to approve the revised Health Education Specialist Job Specification and the motion was seconded by Commissioner Chapman.

### Roll Call Vote:

|                       |     |
|-----------------------|-----|
| President Nix         | Yes |
| Commissioner Bergman  | Yes |
| Commissioner Chapman  | Yes |
| Vice President Tappan | Yes |
| Commissioner Salter   | Yes |

The motion carried 5-0-0.

## 6. **Adjournment**

The meeting was adjourned by President Nix at 9:47 A.M.

*\* Note: These minutes reflect official action of the Civil Service Commission. A digital record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*



## **\*\* ATTACHMENT 2**

### **San Luis Obispo County Employees' Association**

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1035 Walnut Street, San Luis Obispo, CA 93401  
(805) 543-2021 • Fax (805) 543-4039 • Email: info@slocea.org

August 19, 2011

San Luis Obispo County Board of Supervisors  
1055 Monterey, Ste D430  
San Luis Obispo, CA 93408

Dear Chairman Hill and Honorable Supervisors:

I feel compelled to write this letter after having attended the August 3, 2011 Civil Service Commission (CSC) meeting.

To say that I was shocked at the allegations levied against the Commissioners would be an understatement. As the representative of the majority of County employees, I attend all of the public CSC meetings, and have never observed the alleged conduct to occur.

In attending the CSC meetings, I have personally observed the Commissioners engage the HR director in conversation and discussion on a host of issues that come before the Commission. The Commissioners have routinely sought the advice and guidance of the HR director on matters pending before them, in such areas as job reclassifications, job specifications, training academy content, hiring issues, CSC rule update negotiations, to name a few. The one area that has rightfully been left to the Commission is the resolution of disciplinary appeals.

As the representative of the largest group of County employees, SLOCEA has more matters go before the CSC than any other labor group, therefore more contact with the Commission than any other labor group. I have never observed the Commission, as a whole or individual Commissioners, treat witnesses before them with anything other than respect. I have never observed the Commissioners act in any way other than professional and respectful during Commission hearings or at CSC meetings.

The CSC is the guardian of an employee's due process rights. The commissioners take that responsibility seriously and in my opinion, consistently strive to meet the requirements placed on them individually as Commissioners. Win or lose, I have the utmost respect for and faith in our CSC, because I know, with each matter that I take before them, I will have a full and fair opportunity to be heard.

It is unfortunate that concerns or complaints were not brought to the Commission, and the Commission given an opportunity to address the issues. As you are likely aware, it is a requirement that an employee attempt to resolve an issue with their supervisor before being allowed to file a grievance. It would have been appropriate for the same courtesy and consideration to have been shown to the Commission, prior to this being brought to your honorable board in closed session, and without notice to all parties.

I sincerely hope the issues and allegations made against the CSC are resolved quickly, in order to avoid any additional damage to the integrity and reputation of the CSC.

Thank you for the opportunity to express my perception and opinion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Daniels".

Kimberly Daniels  
General Manager  
San Luis Obispo County Employees' Association

**\*\*\* ATTACHMENT 3**

**BOARD OF SUPERVISORS**



1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-1003 • 805.781.5450

August 12, 2011

**ADAM HILL**  
SUPERVISOR DISTRICT THREE

Jeannie Nix, President  
Civil Service Commission  
Human Resources Department  
1055 Monterey Street, Room D-2  
San Luis Obispo, CA 93408

Dear Ms. ~~Nix~~, *Jeannie*

I have received your letter dated August 4, 2011, which requests the Board of Supervisors waive the County policy requiring a competitive bidding process to obtain legal counsel for the Civil Service Commission. Your letter states that the Commission is satisfied with its existing legal counsel, provided by Shane Stark, and asks that the Board approve a sole source contract with Mr. Stark.

The competitive bidding policy exists to ensure the County obtains goods and services from qualified and competitively priced vendors through a fair and transparent process. Sole source contracts may only be used when no reasonable alternatives exist or during an emergency.

After reviewing the Commission's request and discussing it with the County Administrative Officer, I agree that the competitive bidding policy applies in this situation, and that issuing a Request for Proposal (RFP) best serves the interest of the County and the taxpayer.

In addition, please recall that the Commission's current legal counsel, Mr. Stark, was hired on an interim purchase order to provide a narrow scope of services as "rules negotiator." This arrangement was not intended to provide the Commission with legal counsel on other matters, and it was always the intention of staff that an RFP would be necessary to obtain general counsel services for the Commission. Mr. Stark is certainly welcome to submit a proposal to provide these services, and I encourage him to do so.

Respectfully,

Adam Hill  
Chairperson, Board of Supervisors  
District 3 Supervisor

Cc: Frank Mecham, District 1 Supervisor  
Bruce Gibson, District 2 Supervisor  
Paul Teixeira, District 4 Supervisor  
James R. Patterson, Vice Chairperson, District 5 Supervisor

Jim Grant, County Administrative Officer  
Tami Douglas-Schatz, Human Resources Director  
Warren Jensen, County Counsel  
Rita Neal, Assistant County Counsel